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Docket No.: 688.1041
 Date: February 15, 2008

In re application of: **Georg WEBER et al.**
 Serial No.: 10/520,212
 Filed: November 4, 2005
 For: **RECIPROCATING PISTON MACHINE**

Sir:

Transmitted herewith is an **Appellant's Reply Brief Under 37 C.F.R. §41.41 (3 pages)** in the above-identified application.

- ☒ Also transmitted herewith are:
 ☐ Petition for extension of time under 37 C.F.R. 1.136
 ☒ Other: Return Receipt Postcard
- ☐ Check(s) in the amount of **\$0.00** is/are attached to cover:
 ☐ Filing fee for additional claims under 37 C.F.R. 1.16
 ☐ Petition fee for extension under 37 C.F.R. 1.136
 ☐ Other: Filing Fee for Appeal Brief
- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.
- ☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

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I hereby certify that the documents referred to as attached therein and/or transmitted herewith and/or fee(s) are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Mail Stop: APPEAL BRIEF - PATENTS Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on February 15, 2008.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:
 Danielle C. Sullivan



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Re: Application of: **Georg WEBER et al.**

Serial No.: 10/520,212

Confirmation No.: 5166

Filed: November 4, 2005

For: **RECIPROCATING PISTON MACHINE**

Art Unit: 3745

Examiner: Frank D. Lopez

Docket No.: 688.1041

Customer No.: 23280

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Alexandria, VA 22313-1450

February 15, 2008

APPELLANTS' REPLY BRIEF UNDER 37 C.F.R. §41.41

Sir:

Appellants submit this Reply Brief for consideration of the Board of Patent Appeals and Interferences (the "Board") in response to the Examiner's Answer dated December 20, 2007 and in support of their appeal of the Final Rejection dated April 23, 2007. Appellants respectfully reassert each of the arguments asserted in Appellants' Brief dated September 24, 2007, and provide herein only a rebuttal of several of the arguments raised in the Examiner's Answer.

No fee is believed required. If any fee is required at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

ARGUMENTS

The following additional remarks are submitted for consideration by the Board under 37 CFR §41.41.

Rejections under 35 U.S.C. §103(a)**Rejections**

Claims 15 to 24 were rejected under 35 U.S.C. §103 as being unpatentable over either Olson (US 3,552,886) or Morita et al. (US 2002/0039531) in view of Schorr et al. (US 2002/0129603).

In addition to the arguments already presented, Morita et al. clearly shows regular teeth, see Fig. 1a. Second, with respect to long felt need, the Examiner's distinction is a red herring. There clearly has been a need forever for joints to be strong. The proper question is based on the claim language and whether one of skill in the art knew about saw teeth joints and yet failed to have found it obvious to use saw teeth joints as claimed. This is clearly true from the evidence submitted and the Examiner has not rebutted such evidence. See MPEP 2141.

Furthermore the Examiner's Answer asserts that Olson was not addressed. It has already been stated that just as Morita et al., Olson does not teach or disclose "sawtooth thread" as recited in claim 5. The same arguments of Morita et al. apply to Olson. The long felt need arguments also remove the Olson rejection, as argued.

CONCLUSION

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By 

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